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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,664	11/24/2003	Cheng-Chang Liao	LIAO3071/EM	1252
23364	7590	08/27/2004		EXAMINER
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314				LEGESSE, NINI F
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/718,664	LIAO, CHENG-CHANG
	<b>Examiner</b>	<b>Art Unit</b>
	Nini F. Legesse	3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 November 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/24/03.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION*****Typing error***

On page 8, line 24, please change the expression "two yokes 54" to - - to yokes 53 -. On page 9, line 13, please change the word "tat" to - - that - -.

In claim 7, line 6, please change the expression "each of distal ends" to - - each distal ends - -.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-9** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**In claim 1, lines 5-6,** the expression "the same plane and facing the standing space and sloping with its top side facing upwards and forwards" is unclear. Do you mean to the same plane defined by said guide hoop sloping with its topside facing upwards and forwards relative to the standing space? With respect to the expression "trajectory of said guide hoop" in line 5 (and also in claim 6, line 5), are you referring to the path of the guide hoop? With respect to the expression "long axle", do you mean axis? (For purpose of examination, the word axle is assumed to refer to an axis).

**Claim 9** recites the limitation "said head portion" in line 9. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson (US Patent No. 3,794,329) in view of MacNaughton et al. (US Patent No. 1,567,530).**

With respect to claim 1, Wilson discloses a base frame (the combination of elements 11, 12, 13, 14 and 20 as shown on Figs. 1-2); a guide (21) mounted on said base frame, a standing space (the area as shown on Fig. 1, where the golfer is located) being defined at a rear side of said guide hoop for the golfer's standing and performing swing actions (see Fig. 1), a trajectory of said guide hoop being positioned on the same plane and facing the standing space and sloping with its top side facing upwards and forwards (as best understood by the examiner the expression "the same plane" is taken as referring to the rear surface of Applicant's guide loop 30 that faces the golfer and Fig. 1 of the Wilson reference shows this limitation); a guide rail (24) slidably mounted on said guide hoop, said guide rail (24) having a long axle (please note that examiner is assuming that this "axle" is meant to be axis) parallel to said plane that said guide hoop is positioned (refer to Fig. 3 that is shown below); a slide member

(35b) slidably mounted on said guide rail (see Fig. 3 below); and a training golf club (shaft 35a), please note that the golf club as defined by Applicant in his instant figures is just a shaft with a handle only) having an end pivotably connected (shaft 35a is attached to ball joint 34 and see column 2, lines 36-38) to a rear end of said slide member and the other end provided for the golfer's holding (see Fig. 1 and Fig. 3). Wilson discloses the invention as recited above but fails to show a hoop form for the guide. However, providing a hoop guide other than an open guide element is common in the golf art. And Macnaughton is one reference that teaches a closed guide hoop (see item 1 in Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to close the guide of the Wilson device to be a closed hoop as taught by MacNaughton in order to train a person to make proper swings and strokes with full range of motion.

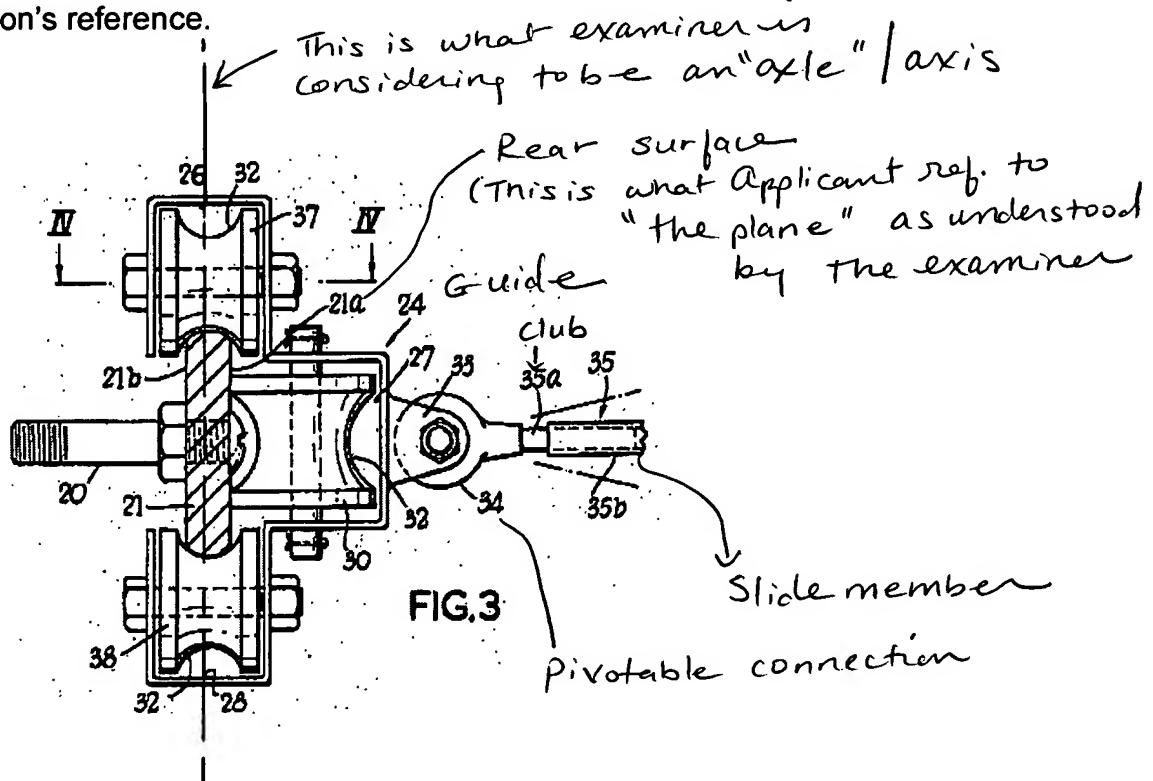
**With respect to claim 2,** Wilson discloses wherein said guide angle-adjustably mounted on said base frame (as shown on Fig. 2 the device is adjustable and in addition see column 1, lines 65-66).

**With respect to claim 3,** Wilson discloses wherein said guide is elliptical (see Fig. 1) in shape and has a long axle (this will be from item 20 as shown on the middle left side of Fig. 1 to the other item 20 that is shown on the middle right side of the Fig.), said long axle having two ends corresponding to left and right ends of said base frame (see Fig. 1).

**With regards to claim 5,** Wilson fails to show a guide hoop that is circular. MacNaughton teaches the use of a circular hoop (1). It would have been obvious

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to one of ordinary skill in the art to provide a circular hoop in order to train a person to make proper swings and strokes as stated in column 1, lines 14-15 of the MacNaughton's reference.



### **Allowable Subject Matter**

**Claims 4, 6, 7 8, and 9** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nini F. Legesse whose telephone number is (703) 605-1233. The examiner can normally be reached on 9:30 AM - 6:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vidovich Greg can be reached on (703) 308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nini F. Legesse

08/10/04